

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action dated April 5, 2005. Reconsideration and allowance is requested.

Claims 1, 3-6 remain in this application. Claims 2 and 7 have been canceled.

Formal Matters

Under 35 U.S.C. § 103(c), Yamamoto (US 6,779,063 B2) cannot be used to render any of the pending claims obvious, since Yamamoto was owned by the assignee of the present application at the time of filing. The American Inventors Protection Act of 1999 (“AIPA”) amended 35 U.S.C. § 103(c) to add that subject matter that only qualifies as prior art under 35 U.S.C. § 102(e) and that was commonly owned, or subject to an obligation of assignment to the same person, at the time the invention was made cannot be applied in a rejection under 35 U.S.C. § 103(a). Specifically, § 103(c) now states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

According to the AIPA § 4807(b), §103(c) applies to any patent application filed on or after the date of enactment, November 29, 1999. Here, the present application was filed on February 8, 2002 (i.e., after November 29, 1999) so that the changes to § 103(c) made by the AIPA apply to this application. Since Yamamoto was filed on April 9, 2001, published on October 17, 2002, and issued on August 17, 2004, Yamamoto is prior art under § 102(e).

Counsel for assignee believes that Yamamoto and the present application were also commonly owned or subject to assignment to the same person at the time that the invention of the present application was made. A search of the USPTO assignment records shows that Yamamoto was assigned to Hitachi America, Ltd. in Reel/Frame 011733/0098 recorded on April 9, 2001 and that Yamamoto was assigned to Hitachi, Ltd. in Reel/Frame 011793/0373 recorded

on May 10, 2001. Similarly Reel/Frame 013168/0808, recorded on August 6, 2002, shows that pending application is 10/072,573 was assigned to Hitachi Ltd.. Hitachi America, Ltd. is a wholly owned subsidiary of Hitachi, Ltd.

Therefore, since Yamamoto is only prior art under 35 U.S.C. § 102(e) and because Yamamoto and the present application were commonly assigned or subject to assignment to the same person at the time of the invention, Yamamoto cannot be used to render the claims obvious pursuant to 35 U.S.C. § 103(a). Accordingly, counsel respectfully request that the pending obviousness rejections of claim 5 under 35 U.S.C. 103(a), which relies on Yamamoto, be withdrawn.

Specification

In accordance with the Examiner's suggestion, the title of the invention has been changed to "SYSTEM AND METHOD FOR DISPLAYING STORAGE SYSTEM TOPOLOGY."

Claim Rejection Under 35 USC 102

In the Office Action, the Examiner rejected claims 1 and 6 under 35 USC 102(e), as being anticipated by Arquie et al. (US 6,636,239, "Arquie"). Claims 1 and 6 have been amended to include the limitations of claims 2 and 7, respectively, as well as other limitations. Since claims 2 and 7 were not rejected under 35 USC 102(e), as being anticipated by Arquie and claims 1 and 6 include the limitations of claims 2 and 7, respectively, the counsel for assignee believes that currently amended claims 1 and 6 are not anticipated by Arquie.

Claim Rejection Under 35 USC 103

In the Office Action, the Examiner rejected claims 2, 3, and 7 under 35 USC 103(a), as being unpatentable over Arquie et al. (US 6,636,239, "Arquie") in view of Padovano (US 6,606,690) and Baldwin et al. (US 2003/0167327 A1, "Baldwin"). Claims 2 and 7 have been canceled but their limitations have been incorporated into independent claims 1 and 6, respectfully. Additionally, claims 1 and 6 have been amended to further include a logical view

display means for displaying logical connecting relation on the display apparatus in one of (d) a fourth display mode for displaying the computers, the first storage devices and their topology, (e) a fifth display mode for displaying the computers, the second storage devices and their topology, (f) a sixth mode of displaying the logical connecting relation both of the third and fourth display modes at a time, (g) a seventh display mode for displaying unused storage device, (h) an eighth display mode for displaying connection between the computers and the first and second storage devices under access limitation, and a means for allowing a user to select one of the first to eighth display modes. Support for the amendment can be found throughout the specification including page 19, lines 16-25 and page 23 lines 6-12 of the original filed specification. In light of these amendments and arguments counsel believes the rejection of claims 2, 3, and 7 has been overcome.

Additionally, counsel for assignee believes that none of the cited prior art, either individually or when combined, teaches all of the elements of the currently amended claims. Arquie shows a graphical user interface that allows a user to selectively enable or disable a data path in the network and teaches in column 3 lines 37-46 and Fig. 2 how to make a graphical representation of a data path by checking the physical connection among the network nodes but does not teach anything associated with logical connecting relations. Similarly, Baldwin teaches using a graphical user interface with a selectable display of SAN topology for displaying the physical interconnection within the network but fails to teach anything associated with logical connecting relations. Finally, Padovano teaches a system structure using plural networks, plural interfaces and plural types of storage devices but fails to teach anything about logical connecting relations. None of the cited prior art teaches, mentions or suggests checking the logical connecting relation as claimed.

One advantage of this invention is that by performing such checks, the present invention can detect and display any unused storage device. Further, the present invention can display the data path under access control. The cited references do not disclose the various logical display modes claimed in the invention.

The Examiner also rejected claim 4 under 35 USC 103(a), as being unpatentable over Arquie et al. (US 6,636,239, "Arquie") in view of Padovano (US 6,606,690). Counsel for

Appl. No. 10/072,573
Amdt. dated July 1, 2005
Reply to Office Action of April 5, 2005

PATENT

assignee believes that since claim 4 depends from amended claim 1 the rejection of claim 4 has been overcome.

The Examiner also rejected claim 5 under 35 USC 103(a), as being unpatentable over Arquie, Padovano, and Baldwin as applied to claim 3 above and further in view of Yamamoto (US 6,779,063 B2). Counsel for assignee believes that since claim 5 depends from claim 3, which depends from amended claim 1, the rejection of claim 5 has been overcome. Additionally, counsel for assignee believes that Yamamoto (US 6,779,063 B2) does not qualify as prior art under 35 USC 103(c), as discussed above, and therefore the rejection of claim 5 should be withdrawn on these grounds alone.

CONCLUSION

In view of the foregoing, counsel for assignee believes all claims now pending in this Application are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Jesus Del Castillo
Reg. No. 51,604

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300

JDC:gjs

60527148 v1